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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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July 1, 2005

**FACSIMILE COVER SHEET**

To: Examiner Hussein A. El-chanti  
Art Unit 2157  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission (2 pages)  
Amendment and Response (14 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/732,189  
Filed: December 7, 2000  
Applicant: Robert Miller  
Art Unit: 2157  
Confirmation No.: 1431  
Our Ref: IBM/151

Pages: 17 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (17 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Hussein A. El-chanti, Art Unit 2157, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on July 1, 2005.

*Judith L. Volk*  
Judith L. Volk

*July 1, 2005*  
Date

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**PATENT**  
Att'y Docket No. IBM/151/124  
Confirmation No. 1431

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (17 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Hussein A. El-chanti, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on July 1, 2005.

Judith L. Volk  
Judith L. Volk

July 1, 2005  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Miller                      Art Unit: 2157  
Serial No.: 09/732,189                      Examiner: Hussein A. El-chanti  
Filed : December 7, 2000  
For : PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	26	minus	26	0	\$50	\$0.00
Independent Claims	5	minus	5	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/732,189  
Transmittal for Amendment of July 1, 2005  
IBM Docket: ROC920000125US1  
WH&E IBM/151

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$\_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

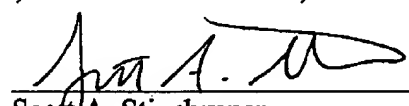
OR

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
Scott A. Stinebruner  
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PATENT

IBM/151  
Confirmation No. 1431**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Miller	Art Unit: 2157
Serial No.: 09/732,189	Examiner: Hussein A. El-chanti
Filed: December 7, 2000	Atty. Docket No.: IBM/151
For: PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM	

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**AMENDMENT AND RESPONSE**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated April 4, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 9 of this paper.

Page 1 of 14  
Serial No. 09/732,189  
Amendment and Response dated July 1, 2005  
Reply to Office Action of April 4, 2005  
IBM Docket ROC920000125US1  
WH&E IBM/151  
K:\ibm\151\Amendment and Response re 4-4-05 OA.wpd